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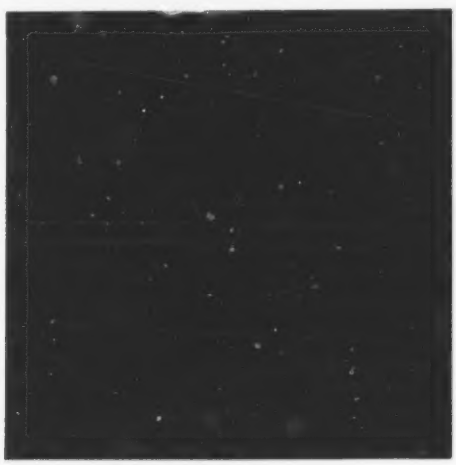

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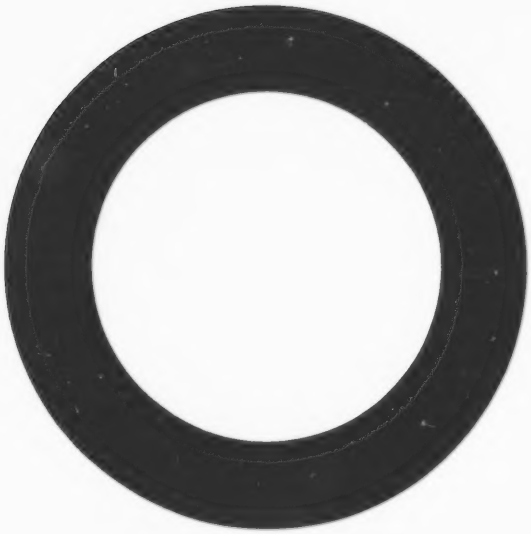

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

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CRC/C/SR.697
12 June 2001

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-sixth session

SUMMARY RECORD OF THE 697th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 26 January 2001, at 10 a.m.

Chairperson: Ms. MOKHUANE

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ADOPTION OF THE REPORT OF THE COMMITTEE ON ITS TWENTY-SIXTH SESSION

CLOSURE OF THE SESSION

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.01-40277 (E) 170401 120601

The meeting was called to order at 11.35 a.m.

ADOPTION OF THE REPORT OF THE COMMITTEE ON ITS TWENTY-SIXTH SESSION (CRC/C/103)

1. The CHAIRPERSON invited the members of the Committee to consider chapters I (Organizational and other matters), III (Inter-sessional activities of the Committee), IV (Cooperation with United Nations and other competent bodies), V (Future thematic debate), VI (General comments) and VII (Draft provisional agenda for the twenty-seventh session) of the report.

2. Chapters I, III, IV, V, VI and VII of the report were adopted.

3. The CHAIRPERSON invited the Rapporteur to present section B of chapter II, entitled "Consideration of reports submitted by the States parties under article 44 of the Convention" and containing the Committee's concluding observations on the reports of Latvia, Liechtenstein, Ethiopia, Egypt, Lithuania, Lesotho, Saudi Arabia, Palau and the Dominican Republic.

4. Mr. DOEK (Rapporteur) outlined the concluding observations of the Committee on each of the reports.

Concluding observations of the Committee on the Rights of the Child: Latvia (CRC/C/15/Add.142)

5. The concluding observations on the initial report of Latvia were adopted.

Concluding observations of the Committee on the Rights of the Child: Liechtenstein (CRC/C/15/Add.143)

6. The concluding observations on the initial report of Liechtenstein were adopted.

Concluding observations of the Committee on the Rights of the Child: Ethiopia (CRC/C/15/Add.144)

7. The concluding observations on the second periodic report of Ethiopia were adopted.

Concluding observations of the Committee on the Rights of the Child: Egypt (CRC/C/15/Add.145)

8. The concluding observations on the second periodic report of Egypt were adopted.

Concluding observations of the Committee on the Rights of the Child: Lithuania (CRC/C/15/Add.146)

9. The concluding observations on the initial report of Lithuania were adopted.

Concluding observations of the Committee on the Rights of the Child: Lesotho (CRC/C/15/Add.147)

10. The concluding observations on the initial report of Lesotho were adopted.

Concluding observations of the Committee on the Rights of the Child: Saudi Arabia (CRC/C/15/Add.148)

11. The concluding observations on the initial report of Saudi Arabia were adopted.

Concluding observations of the Committee on the Rights of the Child: Palau (CRC/C/15/Add.149)

12. The concluding observations on the initial report of Palau were adopted.

Concluding observations of the Committee on the Rights of the Child: Dominican Republic (CRC/C/15/Add.150)

13. The concluding observations on the initial report of the Dominican Republic were adopted.

14. The CHAIRPERSON declared that the Committee had thus completed the adoption of its report on its twenty-sixth session.

CLOSURE OF THE SESSION

15. The CHAIRPERSON thanked all those who had contributed to the success of the Committee's twenty-sixth session.

The meeting rose at 12.30 p.m.

UNITED NATIONS

CRC

Convention on the Rights of the Child

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GENERAL

CRC/C/SR.698
22 May 2001

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

SUMMARY RECORD (PARTIAL)* OF THE 698th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 21 May 2001, at 10 a.m.

Temporary Chairperson: Ms. RAADI-AZARAKHCHI
(Representative of the Secretary-General)
Chairperson: Mr. DOEK

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OPENING OF THE SESSION

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE

ELECTION OF OFFICERS

ADOPTION OF THE AGENDA

SUBMISSION OF REPORTS BY STATES PARTIES

CONSIDERATION OF REPORTS OF STATES PARTIES

* No summary record was prepared for the rest of the meeting.

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GE.01-42358 (E) 220501

The meeting was called to order at 10.45 a.m.

OPENING OF THE SESSION

1. The Temporary Chairperson declared open the twenty-seventh session of the Committee on the Rights of the Child, and said that the High Commissioner for Human Rights, who was participating in the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, would address the Committee later in the session.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE

2. The Temporary Chairperson invited the newly elected re-elected members of the Committee to make the solemn declaration provided under rule 15 of the Committee's rules of procedure.

3. Mr. AL-SHEDDI, Ms. AL-THANI, Ms. CHUTIKUL, Mr. CITARELLA, and Ms. SARDENBERG made the following declaration: "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Rights of the Child honourably, faithfully, impartially and conscientiously."

ELECTION OF OFFICERS

4. The Temporary Chairperson announced that, following consultations with the members of the Committee concerning the election of officers, Mr. Doek had been elected the new Chairperson of the Committee by acclamation. Ms. El Guindi, Ms. Sardenberg and Ms. Ouedraogo had been elected Vice-Chairpersons, and Ms. Karp had been elected Rapporteur.

5. Mr. Doek took the Chair.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CRC/C/106)

6. The agenda was adopted.

SUBMISSION OF REPORTS BY STATES PARTIES (agenda item 3)

7. Mr. DAVID (Secretary of the Committee) said that, since the previous session, seven initial reports had been received, from Switzerland, Netherlands Antilles, Republic of Moldova, Seychelles, Israel, Solomon Islands and Haiti, and four second periodic reports, from Pakistan,

Madagascar, New Zealand and Canada. That brought the total number of reports received by the Committee since its inception to 209, which included 162 initial reports and 47 second periodic reports. Of those, the Committee had considered 150. To date, 30 initial reports and 102 periodic reports were overdue.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

8. The CHAIRPERSON said that the Government of Oman had declared that it was not in a position to appear before the Committee during the current session. The consideration of its report had consequently been deferred to the Committee's twenty-eighth session.

The discussion covered in the summary record ended at 10.55 a.m.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

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28 May 2001

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

SUMMARY RECORD OF THE 699th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 22 May 2001, at 10.05 a.m.

Chairperson: Mr. DOEK

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CONSIDERATION OF REPORTS OF STATES PARTIES

Second periodic report of Denmark

This record is subject to correction.

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GE.01-42398 (E) 250501 280501

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Second periodic report of Denmark (CRC/C/70/Add.6; HRI/CORE/1/Add.58; CRC/C/Q/DEN/2; written replies of the Government of Denmark to the questions in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Denmark took places at the Committee table.

2. Mr. SKIBSTED (Denmark) said that his Government attached great importance to the work of the Committee and was always ready to support proposals to enhance the efficiency of human rights treaty monitoring bodies. One such proposal was the long-overdue increase of the membership of the Committee on the Rights of the Child to 18. Denmark viewed its dialogue with the Committee as an ongoing process that reflected the need for the Convention to be interpreted according to changing circumstances. Denmark's periodic reports and the Committee's observations were disseminated widely at the national level, first and foremost to the Parliament, but also, for instance by means of the Internet, to civil society and non-governmental organizations (NGOs).

3. Regrettably, the small administrations of the autonomous Governments of Greenland and the Faeroe Islands had been unable to participate in the delegation. Nevertheless, his delegation was large enough to include representatives from a range of ministries, in order to reflect Denmark's view that child rights should not be entrusted to a single government department.

4. By means of a number of coordinating institutions, central Government worked in close cooperation with civil society and regional authorities to implement the provisions of the Convention. For example, in October 1999 a Committee of Ministers had been established by the Government to investigate the problem posed by maladjusted youth in Danish society. Its subsequent recommendations for preventive efforts had led to the setting-up of a mobile unit to provide guidance to municipalities, police and others, to collect information and to participate in public debate.

5. The Danish Youth Parliament had been established in 1999 and met every second year. It was composed of representatives from schools throughout Denmark and Greenland and its procedures mirrored that of the senior parliament, including committees, ministers and the discussion of bills. At its most recent meeting in February 2001, the debate had covered a wide range of issues from genetic cloning to increased punishment for rape, and from improved conditions for hens to the Missile Defence System. The Youth Parliament gave young people the opportunity to have first-hand experience of the democratic process.

6. He drew attention to a recent survey by UNICEF which seemed to confirm that Danish children were among the happiest in the world. Some 80 per cent of the children surveyed had been aware of the existence of the Convention. Nevertheless, half of those asked believed that

children of a different ethnic background were treated unfairly. He hoped that was more a reflection of Danish children's awareness of the problem than of the extent of discrimination in the country.

7. The CHAIRPERSON invited members of the Committee to ask specific questions concerning general measures of implementation and the definition of the child.

8. Ms. SARDENBERG welcomed the fact that, from the composition of its delegation, the Danish Government appeared to share the Committee's view that the implementation of child rights was an intersectoral process. She also welcomed the dissemination of periodic reports over the Internet, which had been specifically recommended by the Committee during consideration of Denmark's initial report. In general terms, the second periodic report showed the willingness of the Danish Government to take into account the Committee's concluding observations concerning Denmark's initial report.

9. However, as a comparatively rich country, with a high standard of living and a pluralistic society, Denmark had a responsibility to set high standards in its reports to the Committee. In spite of that, its second report did not conform to the Committee's guidelines. She failed to understand why it addressed each article separately, as opposed to the theme-based approach preferred by the Committee. The report also focused primarily on legislation, while providing sparse information on the practical aspects of protecting child rights. Though the Danish Government's programmes seemed very efficient, she would appreciate more evidence that they were inspired by the Convention as well as by merely national concerns.

10. She would like to learn more about the situation in Greenland and the Faeroe Islands, where a declining population, coupled with higher illiteracy and mortality rates than elsewhere in Denmark, were cause for concern.

11. She asked whether a specific study had been carried out concerning the impact of an ageing population on children's development. With regard to immigration, had the Government considered ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families?

12. It was not clear whether Denmark intended to withdraw its reservation to article 40 (2) (b) (v) of the Convention. Whereas changes to procedure were referred to in the report, it was not clear when or if a bill would be introduced. She inquired whether the Government intended to carry out a general review of legislation with a view to identifying specific areas that needed to be brought into conformity with the Convention. Lastly, how were statistical indicators used to determine national policies?

13. Ms. TIGERSTEDT-TÄHTELÄ asked what mechanisms were in place to ensure that the views of the administrations of Greenland and the Faeroe Islands were heard when Denmark presented reports to the human rights treaty monitoring bodies. The information given in Denmark's second report concerning those regions was insufficient.

14. She would be interested to learn how the Government viewed the difference between national and ethnic minorities, and whether the concepts were defined in Danish legislation.

Noting that Germans were listed as a national minority, she asked whether Greenlanders within Denmark were given the same status. Further details of any special benefits for ethnic or national minorities would also be welcome.

15. The report stated that, in budgetary terms, priority was given to the most vulnerable children in society. She asked what groups in particular were given special attention and whether the Government also targeted the means to help them.

16. Ms. EL GUINDI requested further information concerning the relationship between the different bodies dealing with child rights mentioned in the report, such as the Inter-Ministerial Committee on Children, the Trans-Ministerial Youth Committee, the National Council for Children and the Centre for Human Rights. How were their efforts coordinated and to what extent was civil society involved? She asked for further details of the individual rights of ethnic minority groups, particularly with regard to civil rights, education and health care.

17. Mr. CITARELLA said that the Youth Parliament was a praiseworthy initiative that would familiarize young people with the machinery of democracy.

18. It was unclear to him whether the information provided in the report covered the Faeroe Islands and Greenland as well as Denmark. The core document (HRI/CORE/1/Add.58) revealed considerable discrepancies in terms of, for example, the infant mortality rate, which in 1994 had stood at 27.3 per 1,000 live births for boys and 20.8 for girls in Greenland, compared with 8.1 and 6.0 respectively in Denmark. Were there programmes to ensure that the Faeroe Islands and Greenland had access to the same facilities and to what extent did they enjoy autonomy in respect of decisions affecting children's rights?

19. With regard to the status of the Convention in domestic law, he asked whether the courts could set aside Danish legislation in individual cases if it was found to conflict with the Convention.

20. Ms. KARP, noting that institutions in the area of children's rights did not address individual complaints, asked whether there was any independent complaints body with authority to demand information and remedial measures.

21. She urged the Danish authorities to play a more proactive role in ensuring that legislation systematically reflected the principles set forth in the Convention. A nationwide debate on the subject would generate awareness of existing rights, especially among vulnerable groups such as minorities and children with disabilities. Was there a body that examined guidelines for professionals and other persons with authority over children to ensure that Convention provisions such as the right of participation were adequately covered? As responsibility for implementation of the Convention lay primarily with the local authorities, they would also stand to benefit from such guidelines. According to information received by the Committee, some local authorities examined the criminal record of persons recruited to work with children, for example in kindergartens, and others did not.

22. She noted that in some legal proceedings in which the Convention had been invoked, the court's final decision had been based on different principles from those of the Convention. Legislation that reflected the provisions of the Convention would encourage the judiciary to interpret issues in the light of the States party's obligations.

23. Ms. OUEDRAOGO asked to what extent the wide distribution of the initial and second periodic reports had given rise to an exchange of views, particularly among young people, on children's rights in Denmark.

24. She inquired about arrangements for coordinating the work of the various government institutions engaged in promoting children's rights. Did their mandates cover different areas or were they interrelated?

25. The Youth Parliament was an excellent idea. It would be interesting to hear whether the results of its proceedings would be taken into account by the authorities.

26. The State party recognized that inequalities persisted among children from different backgrounds, for instance from disadvantaged or immigrant families, and had stated that high priority was being given to action to eliminate those discrepancies. She understood, however, from the material received by the Committee that such measures had so far proved inadequate.

27. The CHAIRPERSON said he had been struck by the statement in the State party's written replies that a conflict between a treaty provision and a provision in a law subsequently enacted should be resolved by applying the new provision in a manner that respected the treaty provision, even if the tenor of the new provision was clearly at variance with the treaty. He wondered how such legislation could have been enacted after Denmark's ratification of the Convention. Was there no screening system to ensure that bills submitted to Parliament were compatible with the country's international obligations?

28. The written replies also referred to a Supreme Court decision to the effect that the holding of two juveniles in pre-trial solitary confinement in a prison where adult inmates were also incarcerated could not be viewed as a violation of article 37 of the Convention. He personally disagreed with that decision and wondered what position the Government had taken. If it had agreed, he wished to know on what grounds. If not, would it consider amending the legislation to ensure that juveniles could not be held in solitary confinement in pre-trial detention?

The meeting was suspended at 11 a.m. and resumed at 11.15 a.m.

29. Ms. TOFTEGAARD NIELSEN (Denmark) said that the report had been divided into sections based on articles of the Convention for the reader's benefit and that material already covered in the initial report had been omitted. She assured the Committee that Denmark's third periodic report would be based on clusters of issues and comply with the reporting guidelines.

30. The authorities in the Faeroe Islands and Greenland were self-governing in many areas of relevance to the Convention. They had been urged to provide information regarding compliance but could not be compelled to do so. A more vigorous effort would be made to obtain information for the next report, especially in response to any specific questions that the Committee might wish to raise.

31. The second periodic report had been distributed to 50 organizations and to Parliament. Any other interested party could obtain the report on request from the Ministry of Justice, which had also published it on its Web site. It had given rise to debate in the press and in schools that had requested copies.

32. Denmark was not contemplating the establishment of complaint boards whose mandate was specifically related to the Convention. The authorities preferred to give a broad mandate to a small number of bodies. For example, there was no separate ombudsman for children, but young people were free to file complaints with the Ombudsman responsible for public administration in general.

33. Mr. FAERKEL (Denmark) said that the complex relationship between domestic and international law was not expressly regulated in the Constitution. As legislation was screened in the light of Denmark's international obligations, no new enactment should be incompatible with the Convention but mistakes sometimes occurred. Moreover, international law was constantly evolving and was not always easy to interpret. At all events, the fact that very few decisions on the issue of incompatibility had been taken in Danish courts indicated that the problem seldom arose.

34. The Government was aware of the fact that it might be useful, at least for educational purposes, to incorporate human rights instruments into domestic law, as had been done in the case of the European Convention on Human Rights. A committee to look into the matter, of which he was a member, had been set up by the Ministry of Justice. He was not at liberty to reveal its findings to date but the Convention was one of the instruments being considered. There was no guarantee, moreover, that the Government would act on its recommendations. However, it was to be hoped that the committee would clarify the relationship between Danish law and international law. A summary in English of the report would be forwarded to all the United Nations human rights treaty bodies.

35. There was no definition of a national or ethnic minority in Danish law and no minority enjoyed special benefits. The German minority in Denmark had been identified for the purposes of the Framework Convention for the Protection of National Minorities. He had taken part in the *travaux préparatoires* for the Convention and could report that a deliberate decision had been taken to omit any definition in view of the impossibility of securing a consensus.

36. The main purpose of the Youth Parliament was not to generate new ideas but to involve young people in the democratic process. The debate on the 60 bills tabled might, of course, have influenced politicians or government agencies dealing with the issues addressed.

37. Mr. KRUSE MIKKELSEN (Denmark), referring to Denmark's reservation to article 40 of the Convention, said that under the existing jury system the adjudication of a defendant's guilt in the High Court could not be reviewed by the Supreme Court. In criminal proceedings, the Supreme Court could rule only on the sentence, points of law and any procedural errors committed during the High Court trial. It could not review the assessment of the evidence. The Standing Committee on Procedural Law had submitted a report in 1998 on the treatment of jury cases. A majority of its members had proposed that in future such cases should be heard at first instance by district courts, composed of two judges and six jurors and deciding jointly on the defendant's guilt and the sentence to be imposed. Appeals would lie to the High Court which would adjudicate on both verdict and sentence. Another committee had made proposals regarding the future structure of the court system, including a reduction in the number of district courts, many of which currently had only one judge and thus would be unable to handle a jury trial. Even when the new legislation on jury cases was enacted, there would be some cases of minor importance in which permission from a board of appeal would be required for any appeal to the High Court. Denmark was therefore maintaining its reservation to article 40 but seeking to limit its scope.

38. Cases of sexual abuse in kindergartens and day-care institutions were taken very seriously. New rules on access to records on sexual offences had come into force on 1 April 2001. Convictions were kept on file for longer periods than in the case of other offences: for 20 years after release from prison and, for more serious crimes, until the offender reached the age of 80. It was not mandatory for public or private employers to check the criminal record of an applicant but they were free to do so. A review of references from earlier employers and a rigorous interview were considered to be equally important. There was a system for reviewing the lawfulness of decisions taken by local authorities but not their appropriateness in the light of the Convention.

39. With regard to the Supreme Court decision on the scope of article 37, the Court had indeed stated that solitary confinement of juveniles and lack of segregation from adults might not in all cases be contrary to the Convention. However, it had also decided that solitary confinement in the case before it had been unlawful since such a measure should be ordered only in exceptional circumstances.

40. Ms. LETH SVENDSEN (Denmark) said that the various institutions that dealt with children's issues and related policies had different purposes and mandates. The National Council for Children was an expert body, whose main role was to act as adviser to the authorities. The Inter-Ministerial Committee on Children coordinated policy when various Government ministries were involved. The Committee had recently focused on sexual abuse of children, and as a result of its work the Government was about to issue guidelines on best practices to help municipalities combat that problem. The role of NGOs, which had traditionally been quite important in Denmark, had been strengthened further through the Social Services Act which obliged municipalities to work with NGOs when implementing social policy.

41. A research project consisting of a longitudinal study of children in Denmark was currently being conducted. According to its findings to date, the children of older parents were not disadvantaged. While the Government had no specific body for the evaluation and monitoring of social policy, the longitudinal study, which included research into the situation of

children in ethnic minorities and in single-parent homes, was part of a broad range of measures aimed at assessing the situation of children. The Ministry of Social Affairs had initiated a large-scale integration programme that would focus on preventive measures for the protection of children at risk. It would also produce an evaluation of the effectiveness of current legislation. The Ministry was developing indicators on the quality of day-care services in Denmark. In any evaluation of the situation of children, the provisions of the Convention would be given due consideration.

42. The Danish Parliament had adopted a wide range of legislative amendments in early 2000 to increase the funding for and effectiveness of measures supporting children in vulnerable groups. Additional resources had thus been provided to municipalities, for example to make possible training in interdisciplinary methods for social workers and others engaged in providing services to children.

43. Ms. CLAUSEN (Denmark) said that, since the Committee's adoption of its concluding observations on the initial report, the Aliens Act had been amended to bring Danish law fully into line with the Convention. Under the amended law, children of school age who applied for asylum would participate in separately arranged tuition as long as they were in Denmark, regardless of whether their requests were pending or had been rejected. Similarly, such children were entitled to the same health care provided to Danish children. The Government recognized that asylum-seeking children had special needs and required additional medical attention, including annual check-ups.

44. Ms. LEHMANN (Denmark) said that the Convention was used in schools as an educational tool. The main objectives of primary and lower secondary education were consistent with the principles in the Convention. The subject of human rights, including the rights of the child, was included in the main educational areas at the primary and secondary levels, including history and political studies. The guidelines for the teaching of bilingual children set out the principles of mutual respect and non-discrimination and were largely based on the provisions of articles 29 and 30 of the Convention. It was not in the Danish tradition to prescribe educational values at the central level; even the Danish Constitution was not compulsory in school curricula. Yet it was mandatory for teacher training curricula at the primary and lower secondary school levels to include the subject of human rights.

45. Immigrant children were considered a vulnerable group, in particular insofar as they lacked Danish language skills. The Government had therefore given a very high priority to supporting integration efforts. In the past five years, a wide range of projects had been implemented. In 2000 the Government had launched a plan of action for the improved integration of children, young people and adults, which was currently being implemented. As a result of experience gained in the 1990s, the Danish school system had learned much about the integration of bilingual students. The Government had recently published and disseminated pamphlets on rights and obligations in schools and on language stimulation for pre-school children and second-language education for non-Danish speakers. Integration was and should be seen as a shared responsibility of both the schools and the parents and students, whether immigrant or Danish. The Ministry of Education had established a task force to deal with children with special needs, including bilingual students.

46. Mr. SKIBSTED (Denmark) said that under the Danish Constitution the Faeroe Islands and Greenland were parts of the Danish realm on an equal footing with the rest of the country. While those two parts of Denmark had extensive systems of home rule, citizens of the Faeroe Islands and Greenland did not regard themselves as national minorities. Both home rule governments were consistently consulted on the subject of human rights and the possible ratification of treaties.

47. The CHAIRPERSON, noting that Denmark's level of official development assistance surpassed the target levels set by the international community, commended the State party for its significant contribution to the implementation of the Convention through its international cooperation activities. The Committee considered that such efforts reflected a very serious approach to Denmark's international obligations and were in keeping with the spirit of the Convention.

48. Ms. SARDENBERG, noting the delegation's intention to ensure that the format of future reports would follow the Committee's guidelines more closely, said that such an approach would help provide a more holistic and integrated view of the many questions relating to the rights of the child. Notwithstanding the failure of the local authorities in the Faeroe Islands and Greenland to provide information, it was important for the Committee to understand the situation of children in those regions as well.

49. While the second periodic report had been made available on the Internet, the Convention required the Government to disseminate such information, and simply making the report available might not be enough. Was the public aware of the report's existence? Did the Government plan to hold a press conference after the current session of the Committee? In considering the possible incorporation of human rights treaties into domestic law, the Government should be attentive to the value of the Convention, as it was an instrument with an especially broad scope; human rights began with children's rights. While the efforts to limit the extent of the Denmark's reservation to the Convention were positive, the existence of such a reservation by a State party with so strong a commitment to human rights could send the wrong message.

50. What was the impact of immigration and the ageing of the population on the situation of children? It would be useful to know whether the longitudinal study mentioned by the delegation related in any way to the Convention. Was implementation of the Convention part of the mandate of the Inter-Ministerial Committee on Children? Noting the very broad mandate of the National Council for Children, she asked in what way it carried out its watchdog activities.

51. The Committee would welcome information on how NGOs had taken part in the drafting of the periodic report. To what extent could they be independent and autonomous if they were in charge of providing services on the Government's behalf? She would also like to know how maladjustment of youth was identified in practice.

52. Ms. CHUTIKUL asked what measures the Government was taking to redress the problems of child suicide, violence against children, drug use by children and the bullying of children, all of which were indicators of poor mental health. She would also like to know what measures it was taking to address the matter of racial discrimination, in particular through teaching materials and changes in teacher's attitudes.

53. Mr. AL-SHEDDI said he hoped that, in its third periodic report, Denmark would provide information about the situation of children in Greenland and the Faeroe Islands. The report also revealed some lack of awareness in Danish Society with regard to the matter of child abuse, especially among refugee and minority populations. Clarifications would be welcome. He would also like to know what measures the Government was taking to ensure that children received appropriate care from both parents, as many Danish children were apparently being raised by a single parent of either sex.

54. Ms. TIGERSTEDT-TÄHTELÄ, nothing that budgetary resources for children's rights and human rights derived from taxation at the local level, asked whether the Government transferred funds from the central government to the municipalities, in order to equalize spending on children in the various parts of the country. She would also like to know whether such funds were earmarked for particular uses or allocated as a lump sum, and whether funds were distributed on the basis of particular criteria.

55. Ms. KARP noted that the Government of Denmark, by ratifying the Convention, had undertaken to protect the rights of all children in Denmark; without information on all children it was not in a position to ensure those rights. In future, the Government should include information about the children of Greenland and the Faeroe Islands in its reports.

56. She would like to know whether and to what extent children had access to the office of the Ombudsman, whether they were aware of its existence and whether it had a department specialized in handling the problems of children. How many complaints from children had been submitted to the Ombudsman? Apparently, children's complaints against teachers were handled by parents and school administrators. It would be useful to know whether children's views were sought and considered during that process.

57. She would like to know whether an evaluation procedure had been created for the National Council for Children, with a view to providing information to children about the ways in which their opinions had been incorporated into legislation and to assessing children's feelings about their role in that body.

58. In her view, the Danish appeals system satisfied the terms of article 40, paragraph 2 (b) (v) of the Convention; there was no need for the Government to wait for a profound change in its court system before withdrawing its reservation.

59. Primary responsibility for the implementation of the Convention lay, of course, with the central Government, which had ratified the Convention. Denmark should review the full scope

of implementation of the Convention by the central and local authorities, and then consider in what areas improvements should be made, including the allocation of funds from the central to the local authorities.

60. She understood that Denmark was moving in the direction of viewing children's rights as human rights. It would be helpful, however, to know whether the Government envisaged reviewing its legislation in order to incorporate the new notion of the children as experts and as partners in matters concerning them. Danish legislation regarding the right of a child to be heard was based on a hierarchy of ages; the Convention, by contrast, stressed the idea of the evolving capacities of the child, which did not depend on age. Provisions that would educate judges, social workers and teachers in ways and means of hearing the child's views would perhaps be preferable.

61. Establishing 15 as the age at which children had the right to refuse treatment and 18 as the age at which they could receive treatment without parental consent posed problems. Furthermore, a girl should be able to choose to have an abortion without parental consent. In addition, although young people often preferred to receive treatment and counselling in such areas as drug rehabilitation without their parents' knowledge, serious medical operations should probably not be undertaken without the involvement of parents. The Government should attempt to design a more detailed, nuanced, and flexible approach.

62. Finally, she wondered whether the remarks and observations of the Board for Ethnic Equality had been incorporated into the report.

63. Mr. CITARELLA said he would welcome more information on the status of the Convention in domestic law. Furthermore, the autonomy of Greenland and the Faeroe Islands did not preclude the responsibility of the Danish Government in their regard; if, owing to lack of funds, children from those territories were treated differently from children in other parts of the country, that amounted to discrimination.

64. He would also like to know whether any studies had been undertaken by the Government to assess the high rate of suicide among Danish children.

65. Ms. OUEDRAOGO said she wished first and foremost to commend Denmark for its international cooperation.

66. More information would be welcome on the implementation of the principle of the best interests of the child. She would like to know, in addition, what measures were being taken to protect children from harmful images shown on the Internet. The Government should describe any steps it had taken to redress discrimination against certain children, in particular by providing funds to local authorities to improve social structures.

67. Ms. EL GUINDI said she would like a description of the birth registration system for children of immigrants in Denmark.

68. The CHAIRPERSON said that information concerning birth registration in Greenland and the Faeroe Islands would also be welcome.

69. He would like to know on what grounds asylum was refused to unaccompanied refugee children. He understood that, even when asylum was refused, such children sometimes remained in the country. What implications did that have for their legal status? In addition, he would like to know how and to what extent the Danish Government fulfilled its responsibility to ensure the protection, best interests and safety of children returned to their countries of origin, whether guidelines existed and how such children were transported. That was a serious matter for many European countries.

The meeting rose at 1 p.m.

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NATIONS

CRC

Convention on the
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

SUMMARY RECORD OF THE 700th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 22 May 2001 at 3 p.m.

Chairperson: Mr DOEK

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Denmark (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.01-42425 (EXT)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Denmark (continued) (CRC/C/70/Add.6; HRI/CORE/1/Add.58; CRC/C/Q/DEN/2, written replies of the Government of Denmark to the questions in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Denmark took places at the Committee table.

2. Mr. MIKKELSEN (Denmark) said that in October 2000, the Government had tackled the problem of maladjusted youth by setting up a committee of experts responsible for examining issues relating to the implementation of the Minors' Act. In February 2001, the committee had recommended new penalties for juvenile delinquents which would consist of placing them in institutions for social rehabilitation rather than incarcerating them.

3. Replying to Ms. Karp's question, he said that the bill submitted by the Youth Parliament had been transmitted to the relevant ministries, then adopted after a few amendments had been made by the ministries during an official Cabinet meeting. The young parliamentarians had also been informed of the action taken on their bill.

4. Ms. TOFTEGAARD NIELSEN (Denmark), replying to Ms. Sardenberg, said that non-governmental organizations (NGOs) had been consulted during the preparation of Denmark's second periodic report. In fact, they had been invited to indicate the issues they wished to see included in the report. However, NGO contributions had not been incorporated into the report, which the Government had wished to be Denmark's official report. It was preferable for NGOs simultaneously to submit reports of their own in order to stimulate discussion within the Committee on the Rights of the Child.

5. With regard to Ms. Karp's question relating to the number of complaints lodged by children with the ombudsman, she said the ombudsman could not receive complaints from a child unless an administrative decision had been taken against the child's interest. Consequently, an administrative decision must already exist concerning the child in order for him or her to be able to lodge a complaint with the ombudsman. Further research would be carried out to determine the precise number of such complaints and the results would be included in Denmark's third periodic.

6. Ms. Marianne LEHMANN (Denmark) said that, in 2000, the Danish parliament had enacted a law to promote the active participation of students in decision-making at all levels of the education system. They were therefore able to establish councils and nominate representatives to all committees dealing with issues that concerned them. The aim was to ensure that the schools took children's views and interests into account. At the primary and early secondary levels, students elected two representatives to the school board whose influence was considerable, it decided on the optional subjects to be offered and approved the budget and teaching material to be used. Replying to Ms. Chutikul's question, she said the Danish school system had been decentralised; the choice of curricula and teaching material was the responsibility of the school, more specifically the teachers themselves. If , however any material

was found to be discriminatory, the school board, acting on complaints by parents, students or teachers, could take on the issue and withdraw the materials if necessary. As a last resort, the issue could be brought before the courts. The Ministry of Education had provided financial support for the publication of a bibliography of educational material relating to children's rights in order to help integrate that subject into the school curricula. The material took the cultures of immigrants and refugees in Denmark into account. The Internet was used as much as any other traditional educational tool. Responsibility, therefore, lay with local decision-makers, namely school boards, to ensure that students were not exposed to inappropriate material. Parliament had debated the issue of equipping computers accessible to the public and especially to students in State schools with computer software that would block access to certain sites but the proposal had been rejected on the grounds that it would run counter to legislation on the competence of the school board. It had also been felt that the proposal infringed the law on primary and early secondary education, whose aim was to prepare students for active participation in social life and for assuming their responsibilities and obligations and exercising their rights in a society based on freedom, equality and democracy. Therefore, students themselves had to be responsible for selecting and assessing the information to which they were exposed. Local authorities were advised to adopt policies defining ethical use of the Internet and to tackle the problems associated with new information technology.

7. The legislation on primary and early secondary education was designed to promote students' personal development. In that connection, a law had been adopted on the suitable school environment to be provided for students, which required schools to submit a written evaluation of the school environment and to adopt a plan of action for maintaining and, if necessary, improving it. School principals and teachers were also urged to focus efforts on preventing acts of intimidation and to take effective measures against such behaviour. According to a recent study, 30 per cent of all schools had established plans of action to prevent bullying in schools, an issue which had been put on the agenda of 80 per cent of the school boards. By promoting that type of approach rather than penalising the principals of schools where cases were reported, the Government intended to change attitudes and involve all concerned in resolving the problem.

8. Mr. THØGERSEN (Denmark) said that births were systematically registered in Denmark, Greenland and the Faeroe Islands.

9. Concerning respect for the views of the child, the Ministry of Justice had tabled a bill intended to amend the act of 1 January 1998 on parental authority and visitation rights. According to the bill's provisions, children under 12 who were the subjects of decisions concerning parental authority, visitation or custody rights should be heard by the competent authorities. That measure was already being applied, but the State party was submitting the new bill in order to bring its domestic legislation into conformity with the Convention on the Rights of the Child.

10. Abortion was allowed up to the twelfth week of pregnancy. In theory, minors had to obtain permission from their legal guardian in order to undergo an abortion; in practice, exceptions could be made for a minor to have an abortion without the consent of her legal guardian in cases where learning of her condition might cause the guardian to harm the child physically or psychologically.

11. Ms. SVENDSEN (Denmark), replying to Ms. Karp's question, said that Denmark attached great importance to children's participation in both day-care facilities and schools. The Ministry of Social Affairs was currently studying how to include children's interests in the different projects that had been established. To that end, a Web-based project consisting of a game had been launched so as to engage children in discussion and gather their views. The project was to be evaluated shortly and the children's opinions would be taken into consideration for future initiatives. Danish legislation was frequently revised in accordance with information gleaned from evaluation and research programmes conducted by the Government.

12. Replying to Ms. Sardenberg's question, she said that, while NGOs played a leading role in delivery of social services, especially those provided for children, general responsibility lay with municipalities and local authorities, which was why they monitored such activities closely.

13. As to whether the Convention fell within the remit of the Inter-Ministerial Committee on Children, the body responsible for evaluating Government policy, she said that, although monitoring the implementation of the Convention was not one of the Committee's specific tasks, the scope of the principles it contained were such that they were considered to have become principles of a general nature, hence there was no longer any need for a specific reference to the Convention.

14. Progress had been made in the area of juvenile delinquency in recent years; juvenile offenders and their families could meet with a counsellor at the municipal level. In addition, the law on social service provided for vocational training for young people in difficult situations and for scholarships as incentives for entering the labour market.

15. While it had been suggested that the scope of competence of the National Council for Children was broad, the Council performed its many tasks brilliantly and provided the competent authorities with much valuable information relating to children's rights. Replying to Mr. Al-Sheddi's question about corporal punishment, she informed the Committee that a booklet entitled "I have children; I will never hit them" had been published and translated into Turkish, English, Bosnian, Croatian, Serb and Arabic.

16. On the role of the family, she said a number of amendments had been adopted with a view to intensifying efforts to assist children from "problem" families, under which, for example, psychological counselling was made available to parents whose children were placed in institutions.

17. Ms. MOLLER (Denmark) said that the relevant ministries were studying the issue of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and would transmit their conclusions to the Ministry of Labour, which would use them for preparing a recommendation to the Government.

18. As far as the economy of Greenland was concerned, of the total population of 50,000 only 20,000 were of working age. Fishing was the main activity but it was not sufficiently profitable to finance all social services, which was why the central Government subsidized Greenland's economy in the amount of about 60,000 Danish kroner annually per inhabitant. A system of redistribution of tax revenue from the richest communities to the poorest had been

established, as well as a system of State co-financing of certain social services, especially those aspects that might have some bearing on the protection of children.

19. Ms. CLAUSEN (Denmark) said that the Government was perfectly aware that Danish society was ageing and that one of the solutions to the problem lay in integrating immigrants and their families into Danish society as well as possible. That having been said, it was true that many immigrants were currently unemployed. The Government had therefore taken measures to improve the integration of minorities, and in that connection an interministerial commission had in 1999 been entrusted with framing a plan of action based specifically on education, employment and housing, which had been made public in 2000.

20. The Government attached great importance to the situation of unaccompanied minor asylum seekers and a new procedure, to be introduced in autumn 2001, had been designed for them. All unaccompanied minors of under 15 who applied for asylum would now be granted a residence permit as soon as they arrived on Danish soil and their application would be considered to be withdrawn unless they specifically requested it to be examined. Minors over 15 in the same situation would have to follow the normal procedure, which would be accelerated. In addition, if any doubts arose as to the mental faculties or maturity of children over 15 who were subject to the normal procedure, or if they had suffered serious trauma, they would immediately be issued a residence permit. One of the new features of the procedure was that all unaccompanied minor asylum seekers would be assigned a legal representative who would assist them through the different stages from the moment they arrived in Danish territory. Bearing in mind that the family unit was the best environment for a child, the Government had decided that the immigration services should try to locate the family of every unaccompanied minor who applied for asylum in Denmark; that did not necessarily mean children would be sent back home if such a measure did not serve their best interests but it was important for children to know the whereabouts of their parents.

21. Mr. SKIBSTED (Denmark) said that, under the Constitution, the central Government was responsible for the implementation of international treaties throughout the territory, hence it was true, as several Committee members had pointed out, that the large measure of autonomy enjoyed by Greenland and the Faeroe Islands did not relieve the Government of its responsibility under international law. That having been said, the actual implementation of a number of international instruments, in particular the Convention on the Rights of the Child, fell to the local authorities, which in many fields were the authorities competent to define legal or administrative implementation measures. He acknowledged that that was a question of internal organization in Denmark, which could not be used to excuse poor implementation of the Convention's provisions, but that situation had to be taken into account. In that regard, everything possible would be done to include experts from Greenland and the Faeroe Islands in the delegation when Denmark's next periodic report was considered.

22. Regarding publicizing the Committee's consideration of the report, the Ministry of Foreign Affairs would issue a press release once the Committee had adopted its concluding observations. The concluding observations would then be widely disseminated to Parliament, NGOs and all interested sectors.

23. Ms. KARP noted that the delegation did not have specific information about the proportion of the ombudsman's work that concerned problems relating to children. She wondered whether the decision taken by the Government not to set up an institution specifically to examine complaints from children had not been based on an evaluation of the ombudsman's current workload. Regarding efforts to combat discrimination, she regretted not having more information on the use made by the Government of the Integration Committee's work. On another matter, she said the idea that children's views should be considered in the light of their ability to express themselves was extremely vague and could lead to abuse, especially as it appeared, from the information available, that a third of the children placed in institutions did not meet with social workers.

24. Concerning child-rearing methods, the fact that Denmark was one of the few countries to have prohibited corporal punishment in the family was commendable. However, in a society where corporal punishment was prohibited children themselves might be expected to be less violent, which did not seem to be the case. Had the Danish authorities assessed the situation after corporal punishment had been abolished and, if so, were they able to provide comments for countries wishing to introduce similar measures? The authorities lack of information on sexual violence in the home was a matter of concern. She believed, however, that recommendations had drawn up for sexual violence to be investigated at the regional level using a multidisciplinary approach, which was the advisable thing to do in a number of respects; she wondered whether the investigators had been given specific training in that area. Finally, she would like to know what procedures were followed when acts of violence were committed by teachers against their students.

25. Ms. EL GUINDI asked whether any studies had been carried out into the increased number of suicides and suicide attempts among young people and whether there was a system to monitor the adoption of foreign children in Denmark.

26. Ms. AL-THANI noted that new legislation had been introduced prohibiting the sale of alcohol to children below age 15, but said the minimum age should have been higher. She would also like to know how the campaigns to raise awareness of HIV/AIDS prevention were being conducted in practice.

27. Ms. OUEDRAOGO requested the results of the pilot scheme aimed at children involved in a conflict of custody or right of access, mentioned in paragraph 103 of Denmark's report, and those of the pilot scheme on mediation in cases relating to right of access, mentioned in paragraph 105 of the report. Paragraph 136 of the report stated that about 11,000 children had been on the waiting list for a place in public day care in January 1998. How did the Government plan to resolve that problem?

28. With regard to health, she requested information on the impact of the courses, mentioned in paragraph 182 of the report, which had been organized in Greenland for specialists and relatives of people in difficult situations, on prevention of suicide among young people. It would also be interesting to know whether children infected with HIV or suffering from AIDS were covered under social security. She welcomed the fact that refugee or asylum-seeking children received regular health checks, but to what extent did the results of such check-ups influence the decisions of the immigration services? Finally, it would be interesting to learn what the impact

had been of the informative campaign mentioned in paragraph 180 of the report, aimed at changing the eating habits of young people, particularly girls.

29. Ms. SARDENBERG expressed concern at the use of the term 'social maladjustment' in a bill amending the Criminal Code, as she believed that term was likely to bring about some form of discrimination. She requested information about how the Media Council for Children and Youth, which had replaced the State Film Censorship Office, operated. It would also be interesting to learn whether any surveys had been conducted to determine how many Danish tourists were involved in the sexual exploitation of children abroad, and whether any research had been carried out into sexual abuse in institutions. Denmark's initial report had contained some information concerning disabled children, while the second periodic report contained none at all. Had there been any developments in that field?

30. Ms. TIGERSTEDT-TAHTELA requested details on the situation of children of the Roma minority and on the measures taken to abolish the practice of female genital mutilation. In the context of adoption, she asked what was implied by the term "anonymous".

31. The CHAIRPERSON asked why the number of children aged between 7 and 11 years placed in care had increased by nearly 20 per cent between 1997 and 1999. He would also like to know whether a mechanism had been established to report and follow up cases of physical, psychological or sexual abuse of children, and whether doctors and social workers, in particular, were obliged to report such cases.

32. The meeting was suspended at 4.35 p.m. and resumed at 4.50 p.m.

33. Mr. SKIBSTEDT (Denmark) said that, for questions relating to discrimination and ethnic minorities, the Committee should refer to Denmark's fifteenth periodic report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was submitted in January 2001.

34. Mr. MIKKELSEN (Denmark) said that genital mutilation was a criminal offence under the Danish Criminal Code, the Ministry of Health had organized a campaign to raise awareness among the communities affected by the practice.

35. Ms. NIELSEN (Denmark) said that the lawyer of an alleged sexual offender was permitted to attend the videotaping of the statement made by a child victim of abuse, in the course of an investigation. That measure had been taken to protect the rights of the defendant. It was up to each court to decide, on a case-by-case basis, whether the recording could replace the child's testimony during the trial. According to recent Supreme Court decisions the defendant had to be given the opportunity to witness the recording from the control room, or to view it. As a result of those decisions, a committee had been made responsible for examining all issues relating to sex offences or crimes committed against children, including the criminal procedure in all its forms, the training of police officers who took children's statements and the amendments to be made in the legislation. The committee, which consisted of nine experts (including three child specialists), was due to submit a report at the end of 2001.

36. Mr. THØGERSEN (Denmark) said that local authorities were legally obliged to offer parents and children counselling and information about custody and right of access in the event of a disagreement. Mediation services would systematically be offered in such a context from the end of summer 2001. The term "anonymous adoption" was used to imply that the mother did not know the identity of the people who would adopt her child, unlike when the child was adopted by a family member or friend.

37. Ms. CLAUSEN (Denmark) said that health checks given to refugee or asylum-seeking children did not usually influence the immigration services' decisions on whether to grant asylum or residence permits, although the results were sometimes used to argue that a case should be fast tracked for humanitarian reasons.

38. Ms. SVENDSEN (Denmark) said that a far-reaching interdisciplinary programme had been launched to train social workers. With regard to corporal punishment, studies showed that the practice had become far less widespread. The Ministry of Social Affairs had conducted some significant research into various aspects of sexual violence and was endeavouring to develop preventive measures. The Ministry had also initiated programmes to help the parents of disabled children and was carrying out studies into problems arising in that area. The programme designed to evaluate legislation relating to children also included measures for disabled children. With regard to the increased number of children placed in care, her delegation was unable to provide an explanation, but the Government was monitoring closely all statistics available on the subject. Finally, the Social Service Act required social workers, among others, to report to municipal authorities all cases of children with special needs, which were brought to their attention in the course of their duties, in particular cases of alcohol abuse by pregnant women.

39. Ms. Marianne LEHMANN (Denmark) said that there were very few reports of pupils being abused by their teachers; however, violence against teachers was relatively common. Any act of brutality against a teacher should obviously be reported to the police and, if necessary, the case should be brought before the courts. The Government was aware of the problem of alcohol consumption by minors but had not yet taken any measures in that regard. However, a law had been adopted in December 2000 to protect children from the effects of passive smoking. As for Roma children, who now lived in settled communities, the only problem seemed to be poor attendance at school and measures had been taken to raise parents' awareness of the importance of regular schooling for their children.

40. Ms. Kathrine LEHMAN (Denmark) said that the Media Council for Children and Youth had been created pursuant to the Film Act, to protect children by classifying and approving children's films and video games.

41. The CHAIRPERSON noted that questions had been asked about suicide, the minimum legal age for purchasing alcoholic beverages, HIV/AIDS, sexual abuse in children's institutions and violence at school.

42. Ms. CHUTIKUL asked whether Denmark had sought to implement legislation establishing extraterritorial jurisdiction for the prosecution of persons suspected of committing acts of paedophilia abroad and whether it had signed bilateral agreements in that area. She

would also appreciate details on the Government's position concerning paedophiles' associations and the measures taken to combat trafficking in children.

43. Mr. CITARELLA asked whether the report covered all of Denmark, including Greenland and the Faeroe Islands, and whether all three places had the same children's protection mechanisms. He would like to know whether there were children's judges or any other authority empowered to take decisions concerning children whose parents no longer had custody of them or failed to agree. What measures had been taken to ensure that young prisoners were always held separately from adults, when not held in separate establishments? Finally, he asked which authority was competent to order an administrative custodial measure and whether limits had been set for the minimum age of the children concerned and the maximum duration of placement in a custodial setting.

44. Mr. AL-SHEDDI requested information on children's conditions of detention, including solitary confinement measures.

45. Ms. KARP asked whether decisions to place juvenile offenders in adult prisons or, at times, in solitary confinement- which should be an exceptional one - had not become standard practice for reasons of convenience or for financial reasons. She asked to what extent the best interests of the child were taken into consideration in that type of decision. She would also like to know how the authorities intended to give effect to article 20 of the Convention, by placing children belonging to minority groups but deprived of a family environment in structures that would permit them to continue to use their mother tongue.

46. Ms. OUEDRAOGO requested further details concerning children used in pornography networks. She asked whether Denmark had concluded agreements with other countries to dismantle such networks. Would the new penalties provided for in the forthcoming bill to amend the Penal Code and combat child prostitution more effectively apply to minors, and how were minors reintegrated into society?

47. Ms. SARDENBERG asked whether there was a follow-up mechanism for foreign children adopted in Denmark and what the reason was for the recent increase in the number of children who worked.

48. Ms. SVENDSEN (Denmark) said that, although the number of suicides had decreased in recent years, the authorities took the problem very seriously. A telephone hotline and a Web site had been established for children in distress, and research was being conducted into the causes of child suicide. Research projects had also begun on the problem of alcoholism and smoking among children and on sexual abuse in children's institutions. The decision to place a child in alternative care was always taken by a committee of experts and was reviewed every two years. The relevant authorities were aware of the problem of alternative care for children belonging to ethnic minorities and endeavoured to find solutions, despite the lack of families and institutions able to offer such children the appropriate linguistic environment.

49. Mr. THØGERSEN (Denmark) said that foreign children adopted in Denmark were regarded as the biological children of their adoptive families, hence there were no particular follow-up mechanisms for them. However, the social services monitored adopted children

especially closely, as such children might require specific care. In Denmark, guardianship or custody of children under 18 was generally assigned to a single person. In the case of the death of a person holding custody of a child, the local authorities were responsible for finding the best possible solution for the child. The joint custody system rarely raised problems.

50. Ms. MOLLER (Denmark) noted that children under 13 had been prohibited by law from working since 1996 and that, for that reason, the number of working children over 13 had probably increased. School children were not allowed to work over 12 hours per week. Most of them sold newspapers or worked in shops during their free time. They generally found the regulations too strict as they would probably like to work more.

51. Mr. MIKKELSEN (Denmark) noted that Denmark had in 2000 signed the Optional Protocol on the sale of children, child prostitution and child pornography. The authorities, who were currently considering the few legislative amendments needed for ratifying the Protocol, intended to submit a bill to the following session of Parliament. The National Commissioner of Police, who closely monitored the sex trafficking networks, would shortly be submitting a number of recommendations to the Ministry of Justice. No children had been the victims of such practices in Denmark. Following the ratification of the Convention, new rules governing placement of young offenders had been introduced and units specialized in treatment of young prisoners had been established in two prisons. He noted in that connection that there were very few young prisoners; in 1999 there had been only 12 of them, aged between 15 and 17. Minors awaiting trial were placed in welfare institutions rather than prisons. Only those who had committed very serious crimes were sentenced to prison terms. Under article 78 of the new Law on the Enforcement of Criminal Sentences, which was expected to be adopted in July 2001, convicted minors would be placed in institutions rather than prisons unless the crime was serious enough to warrant incarceration. On that basis, the number of places in institutions had been increased. Up to January 1999, minors too dangerous to be placed in institutions had been held in a separate unit in a specialized prison. It was true that, since the closing of that unit, of which little use had been made and which had worsened the sense of isolation of young offenders in that category, the youth in question - who had never numbered more than two - had been held together with convicted adults. However, the principle of the best interests of the child had always been respected and full consideration given to the idea of reintegrating the young offenders into society. In Denmark, financial reasons never entered into a decision to imprison a minor. New legislation adopted in July 2000 limited solitary confinement for minors to cases of absolute necessity. Only one case of placement in solitary confinement had been recorded in 2000 but the Government did not believe it would be wise to prohibit the practice completely, as it might be justified by exceptional circumstances. Replying to another question, he said that the Copenhagen police were continuing their investigation into paedophile networks. Under an extraterritorial jurisdiction regime, the Danish courts could prosecute Danes for sexual abuse of children abroad, but his delegation had no statistics in that connection. The double incrimination principle was not an obstacle to proceedings being brought against a suspect in Denmark.

52. Ms. SARDENBERG thanked the delegation of Denmark for its very detailed replies, which reflected substantial progress made by the country in the field of children's rights, in accordance with the Committee's recommendations on considering Denmark's initial report. She recommended that the authorities of the State party should work to resolve inequalities between children living in Denmark and children living in Greenland and the Faeroe Islands, expand the

mandate of the National Council for Children to authorize it to consider individual complaints lodged by children and continue its training and awareness-raising activities in the field of children's rights. The problems faced by children belonging to ethnic minorities should be given more vigorous treatment and action to combat sexual exploitation of children should be stepped up.

53. Mr. SKIBSTED (Denmark) thanked the members of the Committee for the interest they had shown in the situation of children in Denmark and said that the Danish authorities would take their recommendations fully into account in designing their future policies on children.

54. The members of the delegation of Denmark withdrew.

The meeting rose at 6.10 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

SUMMARY RECORD OF THE 701st MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 23 May 2001, at 10 a.m.

Chairperson: Mr. DOEK

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Turkey

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.01-42402 (E) 290501

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Turkey (CRC/C/51/Add.4; written replies of the Government of Turkey to the questions in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Turkey took places at the Committee table.

2. Mr. SUNGAR (Turkey), introducing the initial report of Turkey (CRC/C/51/Add.4), said that it had been prepared by ad hoc committees comprising representatives of public agencies, non-governmental organizations (NGOs), universities and international organizations.

3. According to the 2000 census, 38.4 per cent of the Turkish population were aged 18 or less. Children's Day, which had been celebrated on 23 April each year for almost eight decades, had become an international event since 1979, with the participation of children from all over the world.

4. When ratifying the Convention in 1994, Turkey had reserved the right to interpret the provisions of articles 17, 29 and 30 in accordance with the 1923 Treaty of Lausanne and the Turkish Constitution. The rights of Turkish nationals belonging to the Greek, Armenian and Jewish minorities were laid down in articles 38 to 44 of the Treaty of Lausanne and were basically no different from those enjoyed by other Turkish nationals. In particular, minorities were entitled to establish, manage and control charitable, religious and social institutions, schools and other educational establishments at their own expense and to practise their religion freely. Education in the 44 Armenian, 29 Greek and 4 Jewish private schools was imparted in the minorities' own language.

5. Turkey had signed the Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict in September 2000. It had ratified the European Convention on the Exercise of Children's Rights in January 2001 and six International Labour Organization (ILO) Conventions directly related to children, including the Worst Forms of Child Labour Convention, 1999 (No. 182).

6. Turkey's Social Services and Child Protection Agency, the coordinating agency for implementation of the Convention, had launched a Child Rights Campaign in 2000 to mark the tenth anniversary of the signing of the Convention on the Rights of the Child, in cooperation with the United Nations Children's Fund (UNICEF) and the Ministries of the Interior, National Education, Health, Justice, Labour and Social Security. One of the events in the campaign had been the First National Congress of Children, attended by children from different social, economic and cultural backgrounds, including children with disabilities, children working as apprentices and children living or working in the street. Adult delegates from public institutions and NGOs had also taken part. Problems related to the implementation of the Convention had been discussed and the children had produced a declaration containing recommendations for

submission to the President of the Republic. A Council for the Rights of the Child had been convened in May 2000, the First Istanbul Child Assembly in June 2000 and a Children's Forum in November 2000.

7. A study of legislation had been carried out to assess its conformity with the Convention and a checklist on implementation of the Convention had been compiled. Both documents would be updated regularly. A Higher Council and a Subcommittee for Monitoring and Evaluation of the Rights of the Child, comprising representatives of State bodies, had been established to enhance the effectiveness of the Social Services and Child Protection Agency. Representatives of NGOs and academics were invited to attend their proceedings.

8. The General Directorate of the Social Services and Child Protection Agency attended to the needs of children entrusted to the care of the State by court order. Services were provided for some 17,000 children in 81 children's homes and 98 training establishments for older children. The institutions were currently being reorganized into family units consisting of small groups of children. Foster care placements were also encouraged. The Agency also ran crèches and day-care centres, particularly for the children of working mothers. Care and rehabilitation services for disabled children were provided in residential and day-care institutions, community recreation centres and family consultation centres. There were quotas in the public agencies and institutions for the employment of children needing special care. Some 17,000 children had benefited from the scheme since 1989. The number of community centres run by the Social Services and Child Protection Agency had risen to 39 in the past two years. The involvement of NGOs and the local population in the centres was encouraged. Branches of the Agency at the provincial and sub-district level ensured that its services were available on a decentralized basis.

9. The infant, child and maternal mortality rates were decreasing and new programmes to improve child and maternal health and reduce morbidity, such as adolescent health and nutritional programmes, had been launched. An administrative body had been established to coordinate the efforts of the Ministries of Education, Health, Labour and Social Security and other agencies on behalf of disabled children. Structural obstacles to their education, employment and rehabilitation had been removed and relevant legislation amended.

10. The State Institute of Statistics served as coordinator for efforts to improve data concerning children, including indicators of compliance with the Convention. The Turkish Government and UNICEF would cooperate to that end under the Child and Woman Information Network Project covering the period from 2001 to 2005.

11. Twenty-two new centres for children living and working in the street had recently been opened with the cooperation of NGOs. Counselling, training and rehabilitation services were provided to the children and their families. The children were enrolled in schools and vocational programmes and their nutritional and health problems were addressed. The Ministry of Labour and Social Security was coordinating a project in Izmir to train some 1,500 children under 15 years of age in trades such as shoemaking, car maintenance and cloth manufacturing under the ILO International Programme on the Elimination of Child Labour. The Ministry of Education had signed a Protocol with ILO in July 2000 for a project to promote the education of working children.

12. The Social Services and Child Protection Agency had begun to implement an early childhood development project to prepare children in disadvantaged areas for school, to provide them with health and nutritional care and to contribute to their social development. The Agency and the Ministry of Justice had signed a protocol on a project for the children of arrested or convicted women prisoners. A "Love Chain Project" had been launched to provide children under six living in children's homes with assistance in their physical, mental and social development. Under a regulation issued in April 2001, child protection units had been established in the Security Directorates in every province and sub-district.

13. Two severe earthquakes had struck Turkey in 1999, causing heavy loss of life and damage to property. Social service units, including crèches, psycho-social information centres and youth centres, had been established in the temporary residential units set up for displaced persons. Some 2,500 children and teenagers had benefited from their services. The children had published a regular newspaper and theatre groups had been set up with NGO assistance.

14. Ms. TIGERSTEDT-TÄHTELÄ said she was pleased to note that the initial report had been prepared in conformity with the Committee's reporting guidelines and that civil society had participated in the process. The written replies were comprehensive and included the requested statistical data. She had also read the Turkish Government's national monitoring report for the United Nations General Assembly special session on children, which was a forward-looking document that was highly critical of the current situation.

15. She was pleased to note that the Turkish Government had signed the Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, as well as the European Convention on the Exercise of Children's Rights and other major human rights instruments. Was the ratification of those instruments expected in the near future? The Government's refusal to review Turkey's reservations to articles 17, 29 and 30 of the Convention on the Rights of the Child was regrettable, especially as those articles included the aims of education, which had recently been the subject of a general comment issued by the Committee, and the role of the mass media. She hoped the Government would consider reviewing those reservations.

16. The education budget had grown significantly since the mid-1990s, partly because compulsory education had been extended to age 14. Allocations for health care had also increased, albeit much less quickly. The Eighth Five-Year Development Plan should include increased allocations for health, especially mother and child care, in order to improve the quality of life. Various social security schemes reportedly provided additional resources for health care; she would appreciate a description of the funding mechanisms involved. Was funding available from the private sector for health, education and economic, social and cultural rights? As most family problems were of a socio-economic nature, it was of interest to the Committee to know whether the current tax reform was aimed at poverty alleviation. What priorities were chosen in allocating State budget resources to support economic, social and cultural rights? The Committee would also like to know how the Government planned to delegate more power to the local authorities and municipalities, especially in respect of the Convention's implementation.

17. Mr. AL-SHEDDI welcomed the information provided by the State party on the numerous studies, workshops and conferences that had been held in Turkey on children's rights and related

issues, but felt it was regrettable that the report said nothing about their results. There was evidently a need to improve the situation of disabled children, and infrastructure, in particular for health care, was lacking. The participation of civil society should be encouraged, as children's issues were everyone's concern, but it should not be limited to the drafting of the State party's report.

18. Ms. CHUTIKUL called on the Turkish Government to reconsider its reservation to the Convention. The laudable efforts made on behalf of minority groups demonstrated the Government's concern for their welfare, hence the reservation was no longer needed.

19. According to the report education was compulsory through age 14, and the labour legislation generally prohibited the employment of children under 15. Yet the introductory statement had mentioned a project implemented with the help of the International Programme for the Elimination of Child Labour (IPEC), which was training as many as 1,500 children under 15 years of age in Izmir in car maintenance, shoemaking and cloth manufacturing. She would appreciate an explanation of that apparent contradiction.

20. Ms. SARDENBERG asked in what ways universities had taken part in the drafting of the report, and how they assisted the Government in the implementation of the Convention. While the incorporation of the Convention into domestic law was a positive step, it was regrettable that Turkey maintained its reservation. Noting that the Government might have the opportunity to reconsider it as part of the process of accession to the European Union, she asked what problems were foreseen if the reservation was withdrawn. While the State party had signed all six major human rights conventions, it had not ratified the two Covenants and the Convention on the Elimination of All Forms of Racial Discrimination. Did it plan to do so in the near future?

21. The Committee would appreciate information about any research conducted into the effects of the International Monetary Fund stabilization programme, especially its possible impact on children. There was currently no national human rights institution in Turkey, but a draft law had reportedly been introduced in Parliament in October 2000 with the aim of establishing an Ombudsman's office. What was the status of that legislation? Would the rights of the child be within the purview of such an office, and if not, were there any plans to set up a separate Ombudsman's office for children?

22. Ms. OUEDRAOGO welcomed the incorporation of the Convention into domestic law, and asked whether it had ever been invoked in court. Given the large number of Turkish citizens working in other countries, was the Government considering ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families? She asked how the Social Services and Child Protection Agency worked with the other coordinating bodies, such as the Council for Children's Rights, the Advisory Councils and the Human Rights Coordinating High Committee. It would also be interesting to learn whether the Department for Protection and Monitoring of Children's Rights could receive complaints lodged directly by children.

23. The Committee welcomed the efforts made to make the Convention known throughout Turkish society. Nonetheless, there was a lack of information on the training offered to professionals such as teachers and policemen, and the report did not mention whether children's

rights were taught in educational institutions. Did the delegation consider that youths, including those who did not attend school, were aware of children's rights? Had the report been published, and if so, had the public, including children, been given the opportunity to make comments on it? The Government should consider changing the age limit for marriage, which was excessively low. It would be interesting to learn whether workers under the age of 18 were informed of their rights both as children and as workers.

24. Mr. CITARELLA, noting that the Convention had become part of domestic law, asked whether the Government was aware of any legislative measures that were in contradiction with its provisions, and if so how it dealt with them. According to a report carried out under the auspices of UNICEF, in defining the child Turkish legislation referred to various ages, some of which were apparently at variance with the Convention. For example, under the current law, a 14-year-old girl could marry and conclude legally-binding contracts, but she could not take part in elections, acquire a passport or seek employment despite the fact that the courts would recognize her as having reached the age of majority. As part of its application for accession to the European Union, Turkey had undertaken a commitment, albeit an informal one, to reconsider questions such as the withdrawal of its reservation to the Convention.

25. Ms. KARP noted the need for far-reaching reforms in order to ensure implementation of the rights of the child, not only in institutions but also in the public's way of thinking. According to the information received by the Committee, parental authority was still very strong in Turkish society. To what extent were children regarded as autonomous individuals fully entitled to enjoy their rights? The Committee would welcome information on the practical situation of children and their right to participate in decisions taken at school and at home. Had any steps been taken to encourage interaction and dialogue?

26. According to the written replies to the list of issues, a book had recently been published on the conformity of domestic law with the Convention. Was that work intended to serve as a starting point for the revision of legislation? The Ministry of Justice had established the Turkish Civil Code Commission to ensure conformity with the Convention of laws relating to the rights of the child. While review of legislation was commendable, it was unclear to what extent the Commission's mandate focused on children's rights.

27. What was the practical relationship between the central authorities and the provinces, especially with regard to social services, which were generally provided by the latter? Did the Government reallocate funds to ensure that the amount of resources for such services was sufficient throughout the country, including in the poorer regions? According to the written replies, the Higher Council for Monitoring and Evaluation of the Rights of the Child had both coordinating and monitoring functions. The composition of that body, which included representatives of many Government ministries and services, appeared to be particularly well-suited for coordination tasks. However, it was questionable whether it could be effective in monitoring implementation of the Convention, as it might lack independence. Did child-friendly mechanisms exist for lodging complaints of child abuse in institutions, homes and schools? Lastly, what were the specific reasons for the need to maintain the State party's reservation to the Convention?

28. Ms. TIGERSTEDT-TÄHTELÄ asked how the provision of the Civil Code denying to persons of unsound mind the right to exercise civil and political rights affected the rights of children under the Convention.

29. The CHAIRPERSON noted that the World Children's Summit National Monitoring Report of the Turkish Government listed lessons learned in the implementation of the National Plan of Action for Children, but did not include those lessons in the section on future actions. In that regard, he would like to know how the goals of the National Plan of Action were coordinated with the work of the Social Services and Child Protection Agency, and who was responsible for taking the major decisions. He wondered, as well, whether his impression was correct that NGOs had little involvement in child protection activities, particularly in the area of children deprived of families.

30. As Turkey received a large amount of international support for its social programmes, he would like to know whether the Government was making preparations, budgetary and otherwise, for a time when such support would no longer be provided.

31. Mr. SUNGAR (Turkey), replying to questions raised regarding Turkey's reservation to the Convention, said that there was no worldwide agreement on a definition of the term "minority". In numerical terms, the term simply meant less than a majority. In political terms, the minority and majority parties could be equal in strength. In the legal sense, Turkey derived its definition of the term from the Treaty of Lausanne, which accorded minority status to Greeks, Jews and Armenians. It was impossible to discuss the matter of minorities in Turkey without reference to that document. Another essential legal source was the Turkish Constitution. He could not say, however, that the reservation would hold indefinitely: such positions could always be reassessed.

32. The Turkish Government had recently submitted a document to the European Union, declaring that the official language and language of formal education of Turkey was Turkish, which did not prohibit the free usage of other languages in daily life provided that freedom was not used for the purposes of separatism and division. Turkey had lived through an epoch of severe terrorism, which had disrupted all levels of society. Although there were Turkish citizens of Kurdish background, the Kurdish population in Turkey could not constitutionally be considered a minority. Human rights and children's rights were surely, however, an evolving process; the question of minorities was under constant debate in Turkey, and he was sure that new assessments and understandings would be reached.

33. Ms. KUT (Turkey) said that Turkey was a party to most of the basic international instruments of the United Nations and the Council of Europe, and was deeply committed to improving its democracy, which included lifting any barriers to freedom of expression. In 1997, the Government had established a Higher Council for Monitoring and Evaluation of the Rights of the Child chaired by the State Minister responsible for human rights; in October 2000, a human rights department and a human rights consultative board had been set up within the Prime Ministry, which brought together representatives of public institutions and NGOs. In addition, a committee had been created to study human rights violations, and human rights

councils had been established at the provincial and district levels throughout Turkey. Recently, the structures established by the Prime Ministry in the field of human rights had been given force of law.

34. After Turkey's ratification of the Convention in 1995, the Prime Minister had designated the Social Services and Child Protection Agency as the coordinating agency for the implementation of the Convention in that country. In addition, it had been agreed that a Council for Children's Rights should be established, consisting of representatives of UNICEF, the Ministry of Justice, the Ankara Bar Association, and other bodies. A Department for Protection and Monitoring of Children's Rights had also been formed within the General Directorate of the Social Services and Child Protection Agency. Ad hoc committees had been formed to work on areas of importance to children's rights.

35. Various university departments had been directly involved in the rights and development of children. For example, the education department of Ankara University had organized the National Children's Culture Congress, which had been held three times, in 1996, 1998 and 2000; that department had also created a museum of traditional children's toys, which was a true innovation in Turkish culture. The Child Culture, Research and Implementation Centre had been established, also at Ankara University.

36. Provincial commissions had been set up, and their findings had been the subject of a report submitted to the President of the Republic. Subsequently, a Child Forum had been held with the aim of enabling children to express their views on the subject of the right of participation. Child commissions had been established, representing all categories of children, including school children, working children, street children, disabled children, children in need of protection and children in conflict with the law.

37. The definition of the child which appeared in the Turkish Civil Code conformed to the definition contained in article 1 of the Convention. The age of marriage had been changed to 17 for both males and females.

38. Mr. ZARARSIZ (Turkey) said that the three-year economic project introduced in Turkey under the auspices of the International Monetary Fund and the World Bank restricted all public expenditures, with the exception of funds for maternity, health care and education. For 2001, the total national budget amounted to $48 billion. The educational budget consisted of $4 billion from the national budget and $6 billion from extrabudgetary sources. The health budget was made up of $1 billion from the national budget and $1 billion from other sources. Each municipality had its own budget for those sectors. The national budget was nevertheless the main source, and its funds were allocated in accordance with the size of the municipal population.

39. Ms. AYTAÇ (Turkey) said that the Convention on the Rights of the Child was increasingly seen as an essential guideline in the protection of children's rights in Turkey. There was, however, a need for basic changes of attitude and increased information on children's rights. Since 1979, the juvenile courts had handled crimes by minors between the ages of 12 and 16, and had been responsible for administering protection, assistance and education to such children. The Turkish Government was aware that the relevant laws were not in conformity with

the definition of the child contained in the Convention. A further provision, allowing for prosecution by the military courts during states of emergency or under martial law also failed to conform with the terms of the Convention. The Ministry of Justice had undertaken a study to assess the compatibility of Turkish law with the Convention; its completion was expected in the near future. In addition, a commission established to draft a new civil code and a new criminal code had completed its work and had submitted a bill to the Turkish Parliament. A section of the new draft civil code was devoted to juvenile delinquency and the protection of children and adolescents from physical abuse.

40. Under the Turkish Civil Code, the minimum age for marriage had been 18 for males and females; with parental consent, however, girls had been permitted to marry at 15 and boys at 17. The new draft civil code provided that the minimum age of marriage for both boys and girls with parental consent would be 17. It was aimed at ensuring that both boys and girls completed eight years of compulsory basic education.

41. The Government was aware, moreover, that the bankruptcy law, which made it possible for children in custody disputes to be reclaimed by force under certain circumstances, was incompatible with the Convention and should be amended.

42. Turkey had ratified the Convention on the Civil Aspects of International Child Abduction, and was preparing to sign the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption.

43. The Five Year Development Plan provided for the establishment of the office of ombudsman, which would have a general mandate to deal with civil, commercial and family matters. One of the deputy ombudsmen would be assigned the role of ombudsman for children. The UNICEF master plan of action for Turkey for the years 2001 to 2005 would devote considerable attention to developing a model ombudsman for children suitable for the Turkish culture.

44. In accordance with the Turkish Constitution, any international agreements to which Turkey was a party automatically had force of law in Turkey: the Convention could therefore be invoked before the courts.

45. Ms. YURDAKÖK said that the overall spending on health was more than the 1.9 per cent of the total budget indicated in the report. That figure corresponded to the amount spent by the Ministry of Health alone, whereas expenditure on health also came from other sources, such as the budgets of the Ministries of Education, Social Security and the Interior, and from university hospitals. Total health-care spending accounted for between 7 and 8 per cent of the State budget. Primary health care had been established as early as the 1960s, and the principal objective was to ensure that even remote areas enjoyed easy access to services. To that end, a network of over 11,000 health centres and 5,000 health houses existed all over the country. Over 70 per cent of health-care personnel worked in the public sector, but the proportion working privately was on the increase.

46. Mr. OYMAN said that Turkey was by no means the only European country yet to ratify the ILO Migrant Workers Convention, 1975 (No. 143). The precise views of the ministers

currently considering the question of ratification could be submitted to the Committee at a later date. Seven of the eight fundamental ILO Conventions had been ratified by Turkey, and the eighth, the Worst Forms of Child Labour Convention, 1999 (No. 182), had been adopted by the National Assembly and was awaiting approval by the Council of Ministers. Efforts to combat child labour had been carried out pursuant to two successive protocols between ILO and the Government of Turkey, signed in 1992 and 1996 respectively. Furthermore, his Government had proposed to extend many of the programmes for the elimination of child labour, such as the one in Ankara, which the ILO Web site reported as one of the five most successful of some 1,000 similar programmes around the world. Thousands of children in the Ismir region were helped by programmes involving the various social partners, NGOs and relevant State bodies.

47. Ms. FERTEKLIGIL said that Turkey had signed the two Optional Protocols to the Convention in September 2000, and both would be on the agenda for adoption by the National Assembly before the end of September 2001. The International Covenant on Economic, Social and Cultural Rights as well as the International Covenant on Civil and Political Rights had also been signed, and the ratification process had begun. Turkey was a party to the Convention on the Elimination of All Forms of Discrimination against Women, and had recently signed the Optional Protocol thereto, which was also on the agenda of the National Assembly for ratification. The Government was considering ways of ratifying the International Convention on the Elimination of All Forms of Racial Discrimination.

48. Mr. YAMAÇ said that a specialist police force for child-related crime had recently been established, with the task of improving conditions for all children. With the emphasis firmly on prevention, its officers were specially trained to deal with the problems most affecting children, and worked closely with psychologists, psychiatrists and teachers. One particular training course had been run in conjunction with INTERPOL, and other activities had been carried out with universities and NGOs. Secure units, equipped with televisions, washing machines and other amenities, were available to look after children under police supervision until they were returned to their parents. Further details could be obtained on the Web site of the Turkish police, which also offered advice and information to parents.

49. Ms. TIGERSTEDT-TÄHTELÄ cited the Convention's provision that children's best interests should be a primary consideration in all decisions affecting them. That included decisions taken in the context of macro-economic, traffic and cultural planning, as well as health, education and welfare strategies. It was not sufficient to include the concept of the child's best interests in national legislation as a general idea: a clear policy must be pursued. The same was true for the principle of respect for the child's opinion, pursuant to article 12. It was the State's responsibility to ensure that the right to be heard was enjoyed by every child.

50. To have any genuine effect, the article in the Constitution concerning non-discrimination needed to be followed up by practical measures. As children were not born equal, some needed more favourable treatment than others to compensate for their disadvantages. She asked whether children born out of wedlock were treated the same as children of married couples. Besides Kurds, did children from other minority groups such as the Roma suffer from discrimination?

51. Despite the fact that the right to life, survival and development was guaranteed in the Constitution, the death penalty had not been officially abolished. The Committee would

appreciate an explanation of reports of honour killings of young girls, and an account of how the Government intended to tackle the problem. It appeared that neither the police nor the judiciary gave sufficient attention to such killings, which constituted a failure to implement article 6. Could the delegation also comment on allegations of disappearances and extrajudicial executions perpetrated by State agents in previous years?

52. Ms. KARP said she failed to understand Turkey's reasons for its reservation with regard to articles 17, 29 and 30. How did the Government's interpretation of the Constitution of Turkey and the Treaty of Lausanne restrict the application of those articles? Was its policy to apply the articles only to the three minorities recognized in the Treaty of Lausanne, or did it propose to give them general application, with the reservation that they did not imply a derogation from the definition of minorities given in the Treaty? As she understood it, articles 17, 29 and 30 concerned the right to a cultural, religious and linguistic identity, and that right should be guaranteed, whether or not a child was recognized as belonging to a particular minority. There were no grounds for restricting the right to belong to a community to children belonging to the three minorities identified in the Treaty of Lausanne.

53. She would be interested to learn what action the Government was taking to combat police brutality, and whether it had a specific policy to address the alarming number of child abductions. It was also of concern that rape victims were being subjected to intimate examinations against their wishes; what was the Government's attitude towards that practice?

54. Ms. EL GUINDI said that large numbers of children were not registered at birth, particularly in rural areas, which meant they were denied civil rights such as access to education and health services. She would appreciate more information on that situation. Could more details also be provided on private sector expenditure on health care?

55. Ms. AL-THANI said that corporal punishment continued to be used illegally in schools, and asked what the Government was doing to prevent it. She expressed concern at cases of police brutality towards children. Police were holding juveniles for questioning without informing the parents or allowing the presence of a lawyer. Could the delegation comment on those allegations?

56. Ms. CHUTIKUL asked for an explanation of an ambiguity in the Constitution concerning citizenship. It was stated that children of a Turkish father or mother were automatically entitled to Turkish nationality, whereas the citizenship of a child born to a Turkish mother and a foreign father should be defined by law. Did that mean that children lost the right to citizenship in the latter case?

57. Article 49 of the Basic Law on National Education gave village administrators the responsibility of identifying children who did not appear on civil registries. Did that mean that unregistered children had no access to education, and did they have other disadvantages?

58. She would appreciate information on the link between the new police unit with special responsibility for children and the phenomenon of police brutality.

59. Ms. OUEDRAOGO asked what practical activities were being carried out to identify non-registered children. Were village administrators able to register all children in that situation? It would be more effective to try to tackle the reasons for non-registration, for instance by raising awareness in rural areas of the importance of civil registry.

60. There appeared to be some restriction of freedom of thought, conscience and religion, given that religious culture and ethics were compulsory topics in State educational institutions, and that it was difficult in practice for parents to exercise their right to withdraw their children from classes of that nature. Even for young adults over 18 years of age, certain restrictions still applied to the right to peaceful assembly. She would be interested to learn the Government's attitude towards those issues.

61. Children were not allowed to join trade unions until they attained the age of 16, but the minimum age for employment was 12. Many working children were thus deprived of their right of association. The Committee would welcome information on the right to privacy, in particular as it related to family life and private correspondence or telephone conversations and to the situation of children at school.

62. According to the written replies, child abuse was a serious problem. Did the Government have a plan of action to combat it? While efforts had been made to stop corporal punishment in schools, the Committee would welcome information on measures taken against such punishment in the home, such as the encouragement of more peaceful means of disciplining children.

63. Ms. SARDENBERG asked whether children had the opportunity to participate in family matters, or whether parents had absolute authority. Noting that the literacy rate for women was far lower than for men, she asked whether anything had been done to correct that situation. According to information in the press, in January 2001, 28 Kurdish boys had been arrested for chanting slogans, and in 1999 6 school children had gone on trial for holding an unauthorized demonstration during which they had allegedly held up a sign reading "We Want Teachers". Could the delegation comment on those allegations?

The meeting rose at 1.10 p.m.